

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
ROGER KRZEMINSKI
NANCY NEVERS

ABSENT: NONE

Also in attendance: Lawrence W. Dloski, Township Attorney
James R. Gelios, Deputy Clerk
Jerome R. Schmeiser, Community Planning Consultant
James Van Tiflin, Township Engineer of Spalding DeDecker &
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the roll. All members present.

2. Approval of Agenda Items (*With any corrections*)

MOTION by DUNN seconded by BUCCI to approve the agenda as amended.

MOTION carried.

3. Approval of the Bills

MOTION by KRZEMINSKI seconded by MALBURG to approve the bill runs as submitted.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

MOTION carried.

4. Approval of the Monday January 24th, 2005 previous Meeting Minutes.

MOTION by BUCCI seconded by MALBURG to approve the January 24, 2005 previous meeting minutes as submitted.

MOTION carried. Supervisor BRENNAN abstained from the motion, indicating that he wasn't present for this meeting.

5. Presentation of the Michigan Recreation Parks Association (MRPA) Fellowship Award

Linda Walters on behalf of MRPA presented Mr. Salvatore DiCaro, Macomb Township Parks & Recreation Director with the MRPA Fellowship Award.

6. CONSENT AGENDA ITEMS:

CLERKS DEPARTMENT:

- a. Approve Extension of Time; Tentative Preliminary Plat; Quadrate Corporate Park Subdivision; (Extend from January 29, 2005 to January 29, 2006); Section 18
- b. Approve Release of Monuments & Irons Bond; Rocco Estates Subdivision; Section 28
- c. Approve Return of Wall Sign Bond; Family Dentistry; Section 33
- d. Approve Wall Sign Bond Return; Mobil Gas Station; Section 34
- e. Approve the Release of Model Permit Bond; Fieldstone Estates Subdivision (Lot 69); Section 21
- f. Approve Release of Site Plan Bond; Telesat Canada; Section 18

MOTION by BUCCI seconded by DUNN to approve the consent agenda items as submitted.

MOTION carried.

7. Public Comments (Non Agenda items only - 3 minute time limit) None

PUBLIC HEARING:

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

8. **Brook Run South Subdivision (14 lots); Special Assessment District; Street Lighting;** Located on the south side of 22 Mile Road and east of Romeo Plank Road; GTR Builders, Petitioner. Permanent Parcel No. 08-28-101-011

Supervisor BRENNAN opened the public hearing at 7:08 p.m.

Public Portion: None

MOTION by DUNN seconded by NEVERS to close the public hearing at 7:10 p.m.

MOTION carried.

MOTION by DUNN seconded by NEVERS to adopt the resolution to approve the Brook Run South Subdivision (14 lots); Special Assessment District; Street Lighting; Permanent Parcel No. 08-28-101-011 as follows:

FOR THIS MOTION: DUNN, NEVERS, KRZEMINSKI, BUCCI, MALBURG, KOEHS, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

Street Lighting Brook Run South Subdivision

RESOLUTION ORDERING ESTABLISHMENT

OF STREET LIGHTING DISTRICT

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on February 9, 2005, at 7:00 P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Janet Dunn, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers.

ABSENT: None

The following preamble and resolution were offered by Member DUNN and supported by Member NEVERS.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating streets serving lands described in Exhibit "A" is necessary to preserve the public safety and welfare; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF
THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. It is hereby directed that a street light or lights shall be installed at Brook Run South Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is One Thousand Three Hundred Eighty Two dollars and 11/100 (\$1,382.11). Three times the annual cost is Four Thousand One Hundred Forty Six dollars and 32/100 (\$4,146.32). Total project cost is Twelve Thousand One Hundred Sixty Eight dollars and 66/100 (\$12,168.66). The petitioner contribution amount is Eight Thousand Twenty Two dollars and 34/100 (\$8,022.34). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

**AYES: DUNN, NEVERS, KRZEMINSKI, BUCCI, MALBURG, KOEHS,
BRENNAN.**

NAYS: NONE.

**MICHAEL D. KOEHS, CMC
MACOMB TOWNSHIP CLERK**

SAD, Street Lighting, Brook Run South Subdivision

EXHIBIT "A"

LEGAL DESCRIPTION OF

SPECIAL ASSESSMENT LIGHTING DISTRICT

Part of the northwest quarter of Section 28, Town 3 North, Range 13 East, Macomb Township, Macomb County, Michigan being described as:

Commencing at the northwest corner of Section 28, Thence North 89 degrees 34 minutes 24 seconds east 612.50 feet along the north line of Section 28 to the point of beginning; Thence continuing along the north line of Section 28, North 89 degrees 34 minutes 24 seconds east 48.13 feet to an intermediate traverse line; Thence continuing along the north line of Section 28, North 89 degrees 34 minutes 24 seconds east 693.55 feet; Thence South 00 degrees 03 minutes 18 seconds east 660.00 feet to the north line of Pinecrest Subdivision No. 2 as recorded in Liber 142 of Plats, Pages 24 thru 29 inclusive, Macomb County Records; Thence along the north line of Pinecrest Subdivision No. 2 the following two courses, South 89 degrees 34 minutes 24 seconds west 16.43 feet and south 89 degrees 17 minutes 55 seconds west 396.48 feet to an intermediate traverse line intending to witness the property to the water edge; Thence along the intermediate traverse line the following four (4) courses, North 23 degrees 39 minutes 33 seconds west 269.05 feet, North 18 degrees 30 minutes 00 seconds west 235.79 feet, North 36 degrees 15 minutes 00 seconds west 91.04 feet and North 21 degrees 00 minutes 00 seconds west 124.63 feet to the north line of Section 28, Being North 89 degrees 34 minutes 24 seconds east 48.13 feet east along the north line of Section 28 from the point of beginning. Containing 8.8 acres, more or less. Subject to any and all easements and rights of way of record or otherwise.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

**Pre-Printed Portion of document
drafted by:**

**Lawrence W. Dloski
ANTHONY, SEIBERT AND DLOSKI, PLLC
59 N. Walnut, 202 Vicant Building
Mt. Clemens, MI 48043**

**AFTER RECORDING RETURN TO: Michael D. Koehs
Macomb Township Clerk
54111 Broughton Road
Macomb, MI 48042**

RESOLUTION DECLARED ADOPTED.

9. **Parkview Estates Subdivision (24 lots); Special Assessment District; Street Lighting;** Located east of Card Road, approximately ¼ mile south of 23 Mile Road; GTR Builders, Inc., Petitioner. Permanent Parcel No. 08-23-100-030

Supervisor BRENNAN opened the public hearing at 7:11 p.m.

Public Portion: None

MOTION by MALBURG seconded by KOEHS to close the public hearing at 7:13 p.m.

MOTION carried.

MOTION by KRZEMINSKI seconded by MALBURG to adopt the resolution to approve the Parkview Estates Subdivision (24 lots); Special Assessment District; Street Lighting; Permanent Parcel No. 08-23-100-030 as follows:

FOR THIS MOTION: KRZEMINSKI, MALBURG, BUCCI, DUNN, NEVERS, KOEHS, BRENNAN

OPPOSED: NONE

ABSENT: NONE

Street Lighting Parkview Estates Subdivision

RESOLUTION ORDERING ESTABLISHMENT

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

OF STREET LIGHTING DISTRICT

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on February 9, 2005, at 7:00 P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Janet Dunn, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers.

ABSENT: None

The following preamble and resolution were offered by Member KRZEMINSKI and supported by Member MALBURG.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating streets serving lands described in Exhibit "A" is necessary to preserve the public safety and welfare; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at Parkview Estates South Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

3. The annual electrical service charge is Two Thousand Two Hundred Eighty Two dollars and 55/100 (\$2,282.55). Three times the annual cost is Six Thousand Eight Hundred Forty Seven dollars and 66/100 (\$6,847.66). Total project cost is Twenty Four Thousand Three Hundred Seventy Eight dollars and 28/100 (\$24,378.28). The petitioner contribution amount is Seventeen Thousand Five Hundred Thirty dollars and 62/100 (\$17,530.62). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: KRZEMINSKI, MALBURG, BUCCI, DUNN, NEVERS, KOEHS,
BRENNAN.

NAYS: NONE.

MICHAEL D. KOEHS, CMC
MACOMB TOWNSHIP CLERK

SAD, Street Lighting, Parkview Estates Subdivision

EXHIBIT "A"

LEGAL DESCRIPTION OF

SPECIAL ASSESSMENT LIGHTING DISTRICT

Part of the Northwest Quarter of Section 23, T.3N., R.13E., Macomb Township, Macomb County, Michigan being described as:

Commencing at the Northwest corner of Section 23; thence S.02°08'46"E. 1338.13 feet along the West line of Section 23, also being the centerline of Card Road (120.00 feet wide); Thence N.89°12'31"E. 304.73 feet along the extension to the West of the South line of Parkview Commons Subdivision No. 2 as recorded in Liber 149 of Plats, Pages 12-14, Macomb County Records, to the Point of Beginning; thence N.89°12'31"E. 1051.65 feet along the South line of Parkview Commons Subdivision

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

No. 2 and Parkview Commons Subdivision No. 1 as recorded in Liber 146 of Plats, Pages 36-40, Macomb County Records; thence S.01°37'55"E. 494.31 feet to the centerline of McBride Drain; thence the following 5 courses along the centerline of McBride Drain N.73°55'00"W. 104.57 feet; and S.85°10'00"W. 674.12 feet; and N.61°00'00"W. 199.98 feet; and N.30°56'00"W. 237.00 feet; and N.00°55'00"E. 207.20 feet to the Point of Beginning. Containing 11.258 acres, more or less. Subject to the easements and/or encumbrances of record or otherwise.

Pre-Printed Portion of document
drafted by:

Lawrence W. Dloski
ANTHONY, SEIBERT AND DLOSKI, PLLC
59 N. Walnut, 202 Vicant Building
Mt. Clemens, MI 48043

AFTER RECORDING RETURN TO: Michael D. Koehs, CMC
Macomb Township Clerk
54111 Broughton Road
Macomb, MI 48042

RESOLUTION DECLARED ADOPTED.

10. **The Bluffs of Beaufait Farms Subdivision No. 2; Special Assessment District; Sedimentation Basin.** Clark Andrews, Petitioner. Section 35

Supervisor BRENNAN opened the public hearing at 7:13 p.m.

Public Portion: None

MOTION by KOEHS seconded by DUNN to close the public hearing at 7:14 p.m.

MOTION carried.

MOTION by DUNN seconded by NEVERS to adopt the resolution to approve The Bluffs of Beaufait Farms Subdivision No. 2; Special Assessment District; Sedimentation Basin Section 35 as follows:

FOR THIS MOTION: DUNN, NEVERS, MALBURG, KRZEMINSKI, BUCCI, KOEHS, BRENNAN

OPPOSED: NONE

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

ABSENT: NONE

The Bluffs of Beaufait Farms Subdivision No. 2

RESOLUTION NO. 2

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on February 9, 2005, at 7:00 o'clock P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski, Nancy Nevers

ABSENT: None.

The following preamble and resolution were offered by Member DUNN and supported by Member NEVERS.

WHEREAS, the Macomb Township Board (the "Township") has passed a resolution dated January 12, 2005, establishing a Special Assessment District subject to a public hearing, for the purpose of maintaining and operating a Settling Basin ("Settling Basin") to handle storm water for some of the lots within The Bluffs of Beaufait Farms No. 2, which Settling Basin is described in attached Exhibit "A"; and

WHEREAS, pursuant to Section 192a(2) and 192a(5) of Act 288, P.A. 1967, as amended, (the "Act"), proper notice having been given, a hearing was held on February 9, 2005, on creation and maintaining the Settling Basin, including but not limited to the operation and maintenance, the cutting of grass and the removal of weeds and other debris, by special assessment on the property benefited thereby; and

WHEREAS, at such hearing, the establishment of the Special Assessment District and defraying the cost of operating and maintaining the Settling Basin by special assessment upon the benefited lots was approved; and

WHEREAS, the Special Assessment District of proposed Lots 103-116, both inclusive, 121, and 132-146, both inclusive, The Bluffs of Beaufait Farms Subdivision No. 2 (the "Plat"), as approved by the Township, located on a portion of the land described in attached Exhibit A; and

WHEREAS, Lots 103-116, both inclusive, 121, and 132-146, both inclusive, within the Plat ("Benefited Lots") are benefited by the Settling Basin; and

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

WHEREAS, pursuant to Section 192a(3) of the Act allows the Township to, subject to approval at public hearing, determine the annual cost of the operation and maintenance of the Settling Basin, determine the annual special assessment levy, prepare a special assessment roll, and direct the spread of the assessment levy on all property in the district.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD
OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. That the Special Assessment District created by resolution on January 12, 2005, and approved at a public hearing on February 9, 2005, is confirmed. The boundaries of this Special Assessment District are more particularly described in Exhibit "B" attached to this Resolution and made a part hereof.

2. That the authority to defray the cost of operating and maintaining the Settling Basin by special assessment on the property benefited thereby as adopted by the Township by resolution on January 12, 2005, and approved at a public hearing on February 9, 2005 is confirmed.

3. That in the event the Township has or intends to expend funds for the maintenance and operation of said Settling Basin, the Township shall prepare a special assessment roll, determine that annual cost of the operation and maintenance of the Settling Basin, establish an annual special assessment levy, and prepare a plan to spread the assessment levy on each Benefited Lot within the Special Assessment District be equal to the annual cost of the operation and maintenance of the Settling Basin multiplied by a fraction, the numerator of which is one (1) and the denominator of which is 30, which is the total number of Benefited Lots in the Special Assessment District.

4. That after the determination of the annual cost of the operation and maintenance of the Settling Basin, the Township shall give notice of and hold a public hearing to approve such costs, the establishment of the annual special assessment levy and the plan to spread the annual special assessment.

5. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect to make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

**AYES: DUNN, NEVERS, MALBURG, KRZEMINSKI, BUCCI, KOEHS,
BRENNAN.**

NAYS: NONE.

**Michael D. Koehs, CMC
Macomb Township Clerk**

CERTIFICATION OF TOWNSHIP CLERK

I hereby certify that the attached constitutes a true and complete copy of a resolution adopted by the Township Board of the Township of Macomb, County of Macomb, State of Michigan, at a regular meeting held on February 9, 2005, and that public notice of said meeting was given pursuant to Act 267, Public Acts of Michigan, 1876, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

**Michael D. Koehs, CMC
Macomb Township Clerk**

RESOLUTION DECLARED ADOPTED.

- 11. The Bluffs of Beaufait Farms Subdivision No. 2 (shared with the Bluffs of Beaufait Subdivision); Special Assessment District; Sedimentation Basin.**
Clark Andrews, Petitioner. Section 35

Supervisor BRENNAN opened the public hearing at 7:14 p.m.

Public Portion: None

MOTION by BUCCI seconded by MALBURG to close the public hearing at 7:15 p.m.

MOTION carried.

MOTION by KOEHS seconded by KRZEMINSKI to adopt the resolution to approve the The Bluffs of Beaufait Farms Subdivision No. 2 (shared with the Bluffs of Beaufait Subdivision); Special Assessment District; Sedimentation Basin Section 35 as follows:

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

**FOR THIS MOTION: KOEHS, KRZEMINSKI, MALBURG, BUCCI, DUNN,
NEVERS, BRENNAN**

OPPOSED: NONE

ABSENT: NONE

The Bluffs of Beaufait Farms Subdivision No. 2

RESOLUTION NO. 2

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on February 9, 2005, at 7:00 o'clock P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski, Nancy Nevers

ABSENT: None.

The following preamble and resolution were offered by Member KOEHS and supported by Member KRZEMINSKI.

WHEREAS, the proprietor of The Bluffs of Beaufait Farms has previously constructed a sedimentation basin ("Sedimentation Basin") in The Bluffs of Beaufait Farms which was designed and constructed to handle storm water from (a) The Bluffs of Beaufait Farms and (b) part of an additional subdivision, which is currently being developed by proprietor as "The Bluffs of Beaufait Farms No. 2" (the "Plat"); and

WHEREAS, the Macomb Township Board (the "Township") has previously created a Special Assessment District for Storm Detention Basin maintenance for the Sedimentation Basin after notice and hearing pursuant to Section 192 and 192a of 1967 PA 288, which Special Assessment District is evidenced by a Notice of Special Assessment District dated June 27, 2003 and recorded in Liber 13908, Pages 259-260, Macomb County Records as to The Bluffs of Beaufait Farms; and

WHEREAS, the Township has passed a resolution dated January 12, 2005, establishing a Special Assessment District subject to a public hearing, for the purpose of maintaining and operating the Sedimentation basin described in Exhibit "A"; and

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

WHEREAS, pursuant to Section 192a(2) and 192a(5) of Act 288, P.A. 1967, as amended, (the "Act"), proper notice having been given, a hearing was held on February 9, 2005, on creation and maintaining the sedimentation basin, including but not limited to the operation and maintenance, the cutting of grass and the removal of weeds and other debris, by special assessment on the property benefited thereby; and

WHEREAS, at such hearing, the establishment of the Special Assessment District and defraying the cost of operating and maintaining the Sedimentation Basin by special assessment was approved; and

WHEREAS, the previous Special Assessment District for The Bluffs of Beaufait Farms related to Lots 1-99 of The Bluffs of Beaufait Farms, which are the lots within The Bluffs of Beaufait Farms that are benefited by the Sedimentation Basin; and

WHEREAS, Lots 100-102, both inclusive, 117-120, both inclusive, and 122-131, both inclusive, of the Plat are also benefited by the sedimentation basin; and

WHEREAS, Lots 100-102, both inclusive, 117-120, both inclusive, and 122-131, both inclusive, of the Plat of The Bluffs of Beaufait Farms No. 2, as well as Lots 1-99 of The Bluffs of Beaufait Farms are now benefited by the Sedimentation Basin and shall share in the cost of maintenance and operation of the sedimentation Basin; and

WHEREAS, pursuant to Section 192a(3) of the Act allows the Township to, subject to approval at public hearing, determine the annual cost of the operation and maintenance of the sedimentation basin, determine the annual special assessment levy, prepare a special assessment roll, and direct the spread of the assessment levy on all property in the district.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD
OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. That the Special Assessment District created by resolution on January 12, 2005, and approved at a public hearing on February 9, 2005, is confirmed. The boundaries of this Special Assessment District are more particularly described in Exhibit "B" attached to this Resolution and made a part hereof.

2. That the authority to defray the cost of operating and maintaining the sedimentation basin by special assessment on the property benefited thereby as adopted by the Township by resolution on January 12, 2005, and approved at a public hearing on February 9, 2005 is confirmed.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

3. That in the event the Township has or intends to expend funds for the maintenance and operation of said sedimentation basin, the Township shall prepare a special assessment roll, determine that annual cost of the operation and maintenance of the sedimentation basin, establish an annual special assessment levy, and prepare a plan to spread the assessment levy on each lot within the Special Assessment District be equal to the annual cost of the operation and maintenance of the sedimentation basin multiplied by a fraction, the numerator of which is one (1) and the denominator of which is 116, which is the total number of Benefited Lots in the Special Assessment District.

4. That after the determination of the annual cost of the operation and maintenance of the sedimentation basin, the Township shall give notice of and hold a public hearing to approve such costs, the establishment of the annual special assessment levy and the plan to spread the annual special assessment.

5. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect to make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.

AYES: KOEHS, KRZEMINSKI, MALBURG, BUCCI, DUNN, NEVERS,
BRENNAN.

NAYS: NONE.

Michael D. Koehs, CMC
Macomb Township Clerk

CERTIFICATION OF TOWNSHIP CLERK

I hereby certify that the attached constitutes a true and complete copy of a resolution adopted by the Township Board of the Township of Macomb, County of Macomb, State of Michigan, at a regular meeting held on February 9, 2005, and that public notice of said meeting was given pursuant to Act 267, Public Acts of Michigan, 1876, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

Michael D. Koehs, CMC
Macomb Township Clerk

RESOLUTION DECLARED ADOPTED.

PLANNING COMMISSION:

12. **Rezoning Request; Industrial Light (M-1) to Commercial General (C-2);**
(Tabled at the May 12, 2004 Township Board Meeting); Located on the east side
of Hayes Road approximately ½ mile north of 22 Mile Road; Section 19; Hayes-
Macomb Properties, LLC, Petitioner. Permanent Parcel No. 08-19-300-001.

The matter was tabled to the February 23, 2005 Trustees meeting at the petitioners
request.

NEW BUSINESS:

13. Proposal regarding 25 Mile Road and Hayes Road intersections

Supervisor BRENNAN reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by MALBURG to approve the Preliminary Road
Cost Project Repayment Agreement for Design and Engineering Fees as follows:**

PRELIMINARY ROAD COST PROJECT

REPAYMENT AGREEMENT FOR DESIGN AND ENGINEERING FEES

This Agreement made and entered into this 9th day of February 2005,
between the Board of County Road Commissioners, hereinafter referred to as the
BOARD, the charter Township of Shelby and Macomb Township, both hereinafter
referred to as the TOWNSHIPS.

WHEREAS, The BOARD and the TOWNSHIPS are mutually desirous of
providing for the repayment of proposed project design and engineering costs
associated with a certain proposed road improvement project described hereinafter;
and

WHEREAS, the BOARD and the TOWNSHIPS mutually recognize that at
this time the proposed project has not been bid and construction cost has not been

determined and that the scope of the proposed project may be subject to modification; and

WHEREAS, the BOARD and the TOWNSHIPS mutually recognize that certain expenses will currently be incurred associated with the proposed project prior to a bid award including, but not limited to, design and engineering costs.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein, the BOARD and the TOWNSHIPS agree as follows:

1. The TOWNSHIPS warrant and represent that they have undertaken all necessary procedures and steps for approval of this Agreement and that this Agreement as executed is lawfully binding upon the TOWNSHIPS; and further, the parties executing the Agreement to indemnify and hold harmless the BOARD from all costs and expenses incurred as a result of any inaccuracy in this warranty and representation, including all damages and costs as well as actual attorney fees and costs.

2. The TOWNSHIPS agree to participate in paying all design and engineering costs incurred by the Road Commission of Macomb County internally or externally, including salary and fringe benefits, clerical and out-of-pocket costs, paying on a percentage basis of the total design and engineering costs as follows:

Shelby Township	30%
Macomb Township	30%
Road Commission	40%

3. The scope of the proposed project is described as follows:
Construction of a 2-lane roundabout at the intersection of 25 Mile Road at Hayes

4. The TOWNSHIPS understand that the scope of the project may be subject to further revision or modification. The BOARD, within its sole discretion, may elect to abandon or discontinue the proposed project.

5. In the event the decision is mutually made between the BOARD and the TOWNSHIPS to proceed with the proposed project, the TOWNSHIPS agree to timely execute a final cost sharing agreement prior to the commencement of the project and to timely pay all sums due in accordance with the terms and provisions of the final repayment agreement.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

WITNESS

BOARD OF COUNTY ROAD
COMMISSIONERS FOR THE COUNTY
OF MACOMB

Fran Gillett, Chairperson

Robert M. Sawicki, Vice-Chairman

Thomas L. Raymus, Commissioner

CHARTER TOWNSHIP OF SHELBY

By: _____
Ralph L. Maccarone
Its: Supervisor

MACOMB TOWNSHIP

By: _____
John D. Brennan
Its: Supervisor

AGREEMENT DECLARED ADOPTED.

14. **Request authorization for the Township Engineer to Perform a Sanitary Sewer Study; Woodview Subdivision;** Located south of 23 Mile Road and east of North Avenue. Fairchild Investments, Petitioner Section 24

James Van Tiflin, Township Engineer, reviewed the request.

MOTION by KRZEMINSKI seconded by BUCCI to approve the request for Spalding DeDecker Associates Township Engineers to perform a sanitary sewer study for Woodview Subdivision provided that the required fee of Four Thousand dollars and 00/100 (\$4,000.00) as recommended.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

15. **Model Permits; Parkview Estates Subdivision; Lots 2, 6, 16, 22.** GTR Builders, Petitioner. Section 23

Supervisor BRENNAN reviewed the request and addressed the Township Engineers and Water & Sewer Departments issues regarding underground utilities which have not been installed. Mr. BRENNAN indicated that for these reasons at this time the request can not be recommended for approval. Mr. BRENNAN discussed with legal counsel the appropriate direction that the Board should take on the matter. Legal counsel recommended that the Board take action on the agenda item.

Petitioner: Not present

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to deny the Model Permits request for Parkview Estates Subdivision involving Lots 2, 6, 16, 22 specifically finding that Spalding DeDecker Associates, Township Engineer's and Township Water & Sewer Department have issues with the request and are not recommending approval at this time. Therefore, according to Township requirements, model permits cannot be issued at this time. Section 23

MOTION carried.

16. **Request to Schedule Public Hearing Date; March 9th, 2005; Special Assessment District; Street Lighting; Westminster Subdivision No. 2;** Located on the north side of 22 Mile Road approximately ½ mile east of Hayes Road; Grand Sakwa Macomb Airport LLC, Petitioner. Permanent Parcel No. 08-19-200-012

Supervisor BRENNAN reviewed the request.

MOTION by KOEHS seconded by DUNN to approve the request and schedule March 9, 2005 as the public hearing date for a special assessment district for street lighting for Westminster Subdivision No. 2; Permanent Parcel No. 08-19-200-012.

MOTION carried.

Addition:

- 16a. **Temporary Certificate of Occupancy; Rauhorn Electric;** Located on the north side of 23 Mile Road, west of Regency Drive; Kemp Building and Development, Petitioner. Permanent Parcel No. 08-17-300-002

Supervisor BRENNAN reviewed the request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

Petitioner Present: Del Rau

MOTION by DUNN seconded by BUCCI to approve the Temporary Certificate of Occupancy for Rauhorn Electric to expire June 1, 2005. Conditioned on a revised site plan being submitted addressing the Township Engineers issues regarding the dumpster enclosure relocation located at the northeast corner of the parking lot since this is a change from the approved site plan dated October 7, 2003. Permanent Parcel No. 08-17-300-002.

MOTION carried.

OLD BUSINESS:

17. **Model Permit Replacement Request; Turnberry Pointe Subdivision; Replacing Lot 2 with Lot 18.** Master Development Company, Petitioner.
Section 29

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by DUNN seconded by MALBURG to approve the Model Permit Replacement Request; Turnberry Pointe Subdivision replacing lot 2 with lot 18. Section 29

MOTION carried.

18. **Review of Michigan Municipal League premium renewal quote** *(Tabled from the January 24, 2005 Township Board Meeting)*

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by DUNN seconded by KRZEMINSKI to increase the deductible for auto physical damage collision claims from Five Hundred dollars and 00/100 (\$500.00) to One Thousand dollars and 00/100 (\$1,000.00) and remain as we are with a Forty Thousand dollars and 00/100 (\$40,000.00) deductible for Public Officials Liability claims.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

BUILDING DEPARTMENT:

19. Request Permission for the Building Official Assistant and three (3) Building Inspectors to attend the Building Officials Spring Conference.

Supervisor BRENNAN reviewed the Building Officials request.

Public Portion: None

MOTION by MALBURG seconded by BUCCI to approve the request for Dennis LeMieux, Chris Benjamin, Ray Hicks and James Owens to attend the Building Officials Spring Conference beginning March 7, 2005 and ending March 10, 2005 for the total cost of Two Thousand One Hundred Thirty Eight dollars and 95/100 (\$2,138.95) as submitted which includes registration fees and lodging plus local tax 5% each per night. Meals and mileage will be provided pursuant to the Township Policy.

MOTION carried.

Addition:

- 19a. Request to Authorize the Township Engineers (SDA) to review the new FEMA Maps

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by DUNN seconded by NEVERS to approve the request and authorize the Township Engineers, Spalding DeDecker Associates to review the new FEMA maps for a period for ninety days for the total cost of Three Thousand dollars and 00/100 (\$3,000.00).

MOTION carried.

Addition:

- 19b. Electrical Inspectors Conference

Bob Beckett, Building Official, reviewed the request.

Public Portion: None

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

MOTION by MALBURG seconded by KRZEMINSKI to approve the request for Dave Strachan to attend the Electrical Inspector's Conference beginning March 10, 2005 and ending March 11, 2005. The total cost Three Hundred Eighty Three dollars and 00/100 (\$383.00) which includes the registration and lodging fees.

MOTION carried.

FIRE DEPARTMENT:

20. Request Permission to Purchase Additional Automatic External Defibrillator

Chief Ahonen reviewed the request and indicated that the department has been offered a grant of one thousand dollars and 00/100 (\$1,000.00) from the American Heart Association towards purchasing an automatic external defibrillator.

Public Portion: None

MOTION by KOEHS seconded by NEVERS approve the request to purchase an automatic external defibrillator provided that the One Thousand dollars and 00/100 (\$1,000.00) grant from American Heart Association is used. The total cost of Two Thousand One Hundred fourteen dollars and 70/100 (\$2,114.70). The cost to the Township is One Thousand One Hundred Fourteen dollars and 70/100 (\$1,114.70).

MOTION carried.

21. Recommendation on probationary Firefighters

Chief Ahonen reviewed the request.

Public Portion: None

MOTION by BUCCI seconded by KOEHS to follow the recommendation of Chief Ahonen for probationary firefighters: Kenneth Bartz, Raymond Doriety, Sarah Hididd, Michael Isola, Jason Kropf, Michael McIntyre, Kenneth Scherman, Ronald Simpson, Damon Veerhusen and Bernard Wouters to be assigned as full paid on call firefighter status. Effective Date February 14, 2005

MOTION carried.

HUMAN RESOURCE DEPARTMENT:

22. Request for Training for HRM Certification - Patricia Hamel

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by KRZEMINSKI to approve the request for Patricia Hamel to attend the eleven week preparatory course sanctioned by the Society of Human Resources Management beginning in February, 2005. This course will be completed outside of work during evening hours in Troy, Michigan. The registration fee is the total cost of Eight Hundred Ninety Five dollars and 00/100 (\$895.00). Patricia Hamel will be required to take the examination on June 30, 2005 for the total cost of Four Hundred Twenty Five dollars and 00/100 (\$425.00). The Township employee will be reimbursed for registration and examination fees pursuant to Article 20 of the Collective Bargaining Agreement between Macomb Township and AFSCME, Local 1917.

MOTION carried.

WATER & SEWER DEPARTMENT:

23. Change Order # 1, 21 Mile and Card Road Sanitary Sewer Extension and Pump Station Abandonment, MA01-032, Pamar Enterprises.

David Koss, Water & Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by DUNN to approve the contract change order no. 1; Project: 21 Mile & Card Road Sanitary Sewer Extension and Pump Station Abandonment. Job No. MA01-032. Township of Macomb 54111 Broughton Road Macomb, MI 48042, property owner. Pamar Enterprise, Inc. 5801 Gratiot Ave New Haven, MI 48048, contractor. Upon execution by the Owner's representative, the following changes in the contract documents will be authorized: Due to the deletion of 90 square yards of Class "A" sodding from the contract. The Contract Price will decrease by One Thousand Eight Hundred dollars and 00/100 (\$1,800.00). The total adjusted contract amount to date is Two Hundred Twenty Thousand Seven Hundred Ninety dollars and 00/100 (\$220,790.00) as submitted.

MOTION carried.

24. Pay Certificate #2, (Final), 21 Mile and Card Road Sanitary Sewer Extension and Pump Station Abandonment, MA01-032, Pamar Enterprises

David Koss, Water & Sewer Superintendent, reviewed the request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to approve Pay Certificate # 2, (Final), 21 Mile Road and Card Road Sanitary Sewer Extension and Pump Station Abandonment for the total cost of Twenty Five Thousand Six Hundred Twenty Nine dollars and 50/100 (\$25,629.50) as submitted. MA01-032, Pamar Enterprises, contractor. Township of Macomb, property owner. MOTION carried.

25. Vacation of Easement, 21 Mile and Card Road Sanitary Sewer and Pump Station Abandonment.

David Koss, Water & Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by KRZEMINSKI to approve the request to vacate an easement; 21 Mile Road and Card Road Sanitary Sewer and Pump Station Abandonment as submitted. Permanent Parcel No. 08-34-200-007.

MOTION carried.

26. 21 Mile and Hayes Road Water Main Relocation.

David Koss, Water & Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by BUCCI seconded by DUNN to approve the request to authorize expenditure for the total cost Fifty Nine Thousand Five Hundred dollars and 00/100 (\$59,500.00) for the relocation of the 21 Mile Road and Hayes Road water main.

MOTION carried.

BOARD COMMENTS:

27. Supervisor Comments:

Addition:

- 27a. Request to Purchase Vehicle for the Township Assessing Department

Supervisor BRENNAN reviewed the request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

Public Portion: None

MOTION by KOEHS seconded NEVERS by to approve the request to purchase a replacement vehicle for the 1996 Pontiac Grand Am vehicle for the Township Assessing Department and purchase one (1) 2005 Dodge Stratus Sedan SXT 28Y PKG, Engine Size 2.7 V-6 through Colonial Dodge for the total cost of Twelve Thousand Twenty Five dollars and 00/100 (\$12,025.00) as submitted.

MOTION carried.

Addition:

27b. Request to Purchase Vehicle(s) for the Township Building Department

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by BUCCI seconded by DUNN to approve the request for the Township Building Department to purchase two (2) 2005 Ford Ranger Pick-up vehicles through county purchasing for the total cost of Eleven Thousand Five Hundred Fifteen dollars and 00/100 (\$11,515.00) per vehicle and additionally include the package for power windows and locks for the total cost of Three Hundred Forty four dollars and 00/100 (\$344.00) per vehicle.

MOTION carried.

28. Clerk Comments: None

29. Treasurer Comments: Treasurer MALBURG reminded everyone that the last day to pay taxes is February 14, 2005.

30. Trustees Comments: None

EXECUTIVE SESSION:

MOTION by KOEHS seconded by DUNN to adjourn into executive session at 8:03 p.m.

MOTION carried. The Members of the Board reconvened at 8:21 p.m.

31. Tiamo LLC v Township of Macomb

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 9, 2005
AT 7:00 P.M.

MOTION by KRZEMINSKI seconded by KOEHS to conditionally approve the Tiamo consent judgment provided to administrative approval of a Site Plan, Landscape Plan and Exhibit B documents to the Master Deed. The Township Board of Trustees will consider final approval of the consent judgment when Township administrative review is completed.

MOTION carried.

ADJOURNMENT:

MOTION by BUCCI seconded by KRZEMINSKI to adjourn this meeting at 8:22 p.m.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb